

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
13437.001-US-C2			John P. Lacyk	3736

CERTIFICATE UNDER 37 CFR 1.10:
 "Express Mail" mailing label number: EV 037622856 US
 Date of Deposit: March 18, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, MAIL STOP PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Teresa Anderson*
 Name: Theresa Anderson

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 10/371,012, filed on February 20, 2003 entitled ACTIVE TISSUE AUGMENTATION MATERIALS AND METHOD by the following inventor(s):

Full Name Of Inventor	Family Name MILLER	First Given Name PAUL	Second Given Name LEONARD
Residence & Citizenship	City HARVEST	State or Foreign Country ALABAMA	Country of Citizenship USA
Post Office Address	Post Office Address 113 WANDERING LANE	City HARVEST	State & Zip Code/Country ALABAMA 35749/USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 24 pages of specification, 28 claims, 1 page of abstract, 1 sheet of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 28 -20	8	x	\$9.00	72.00
INDEPENDENT CLAIMS 3 -3	0	x	\$43.00	0.00
			BASIC FILING FEE:	\$385.00
			TOTAL FILING FEE:	\$457.00

☒ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒

Payment of fees:

☒ Attached is a check in the amount of \$457.00.

☐ Please charge Deposit Account No. 13-2725.

5. ☒

The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.

6. ☒

Amend the specification by inserting before the first line the sentence:

"This application is a continuation of application Serial No. 10/371,012, filed February 20, 2003 which is a continuation of application Serial No. 09/634,414, filed August 8, 2000, which application(s) are incorporated herein by reference."

7. ☐

A set of formal drawings (sheets) is enclosed.

8. ☐

Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.

☐

The certified copy has been filed in prior application Serial No. , filed .

9. ☒

The prior application is assigned of record to EV&M located at Edina, Minnesota.

10. ☒

The Power of Attorney in the prior application is to:

Merchant & Gould P.C.
Minneapolis, MN 55402-2215

11. ☐

A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

☐

Fee for excess claims is attached.

12. ☒

A petition and fee has been filed to extend the term in the prior application until March 18, 2004. A copy of the petition for extension of time in the prior application is attached.

13. ☐

The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

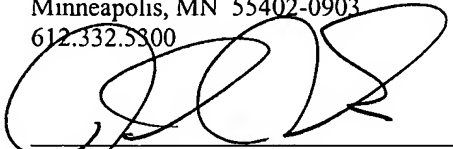
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed:
16. ☒ Address all future communications to the **Attention of John C. Reich** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Date:

March 18, 2004


John C. Reich
Reg. No. 37,703
JReich:nma

23552

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MILLER Examiner: JOHN P. LACYK
Serial No.: 10/371,012 Group Art Unit: 3736
Filed: FEBRUARY 20, 2003 Docket No.: 13437.1USC1
Title: ACTIVE TISSUE AUGMENTATION MATERIALS AND METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2004.

By: 
Name: John C. Reich

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.136(a), it is respectfully requested that a one-month extension of time be granted in which to respond to the outstanding Office Action mailed November 18, 2003, said period of response being extended from February 18, 2004 to March 18, 2004.

We have enclosed a check for \$55.00 to cover the required extension fee for a small entity.

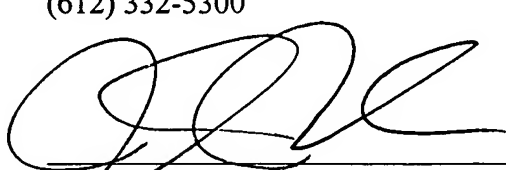
Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: March 18, 2004

23552

PATENT TRADEMARK OFFICE


John C. Reich
Reg. No. 37,703
JCR:nma